

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
June 24, 2014 - 9:00 A.M.

PRESENT: COMMISSIONER GARY J. ANDERSON, CHAIR
COMMISSIONER LARRY A. ELLERTSON, VICE-CHAIR
COMMISSIONER DOUG WITNEY

ALSO PRESENT:

Cort Griffin, Utah County Deputy Attorney
Paul Jones, Utah County Deputy Attorney
Dianne Orcutt, Utah County Deputy Attorney
Danene Jackson, Clerk/Auditor - Financial Officer
Burt Harvey, Clerk/Auditor - Tax Admin. Supervisor
Julie Rollins, Utah County Purchasing Agent
Clarissa Reeve, Utah County Assessor's Office
Jim Stevens, Utah County Assessor's Office
Bryce Armstrong, Community Development
Peggy Kelsey, Community Development
Neil Peterson, Information Systems Director
Dr. Joseph K. Miner, Health Department Exec. Director
Gordon Bruin, Drug & Alcohol Prevention & Treatment
Robert Johnson, Drug & Alcohol Prevention & Treatment
Richard Nance, Drug & Alcohol Prevention & Treatment
Lana Jensen, Utah County Personnel Director
Jane Ivie, Personnel Office
Richard Nielson, Utah County Public Works Director
Jeff Smith, Utah County Recorder
Andrea Allen, Utah County Recorder's Office

Mike Forshee, Utah County Sheriff's Office
Dalene Higgins, Utah County Sheriff's Office
Cary McConnell, Utah County Treasurer's Office
Dana Beck, Beck & Beck Construction
Robert Fillerup, Attorney representing Mountain Shores
James Gilbert, Gilbert and Stewart CPAs
Greg Graves, Utah County Resident
Blain Oberg, Utah County Resident
Laura Oberg, Utah County Resident
Taylor Oldroyd, Utah County Association of Realtors
Jason Dodge, -No further information given-
Daren Hogge, -No further information given-
Annette Jolley, -No further information given-
Earl Jolley, -No further information given-
Marc Molling, -No further information given-
Mark R. Nelson, -No further information given-
Pete Rossi, -No further information given-
Troy Walker, -No further information given-
Mike Stansfield, Fairways Media
Vicky Westergard, Clerk/Auditor's Office - Tax Admin.

Commissioner Anderson called the meeting to order at 9:02 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Larry A. Ellertson, Utah County Commissioner

PLEDGE OF ALLEGIANCE: Doug Witney, Utah County Commissioner

CONSENT AGENDA

1. **DECLARE SPECIFIED OFFICE FURNITURE AND ELECTRONICS AS SURPLUS AND AUTHORIZE THE DISPOSITION THEREOF VIA PUBLIC AUCTION OR AS JUNK**
2. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SAM'S CLUB DIRECT MEMBERSHIP AND CREDIT APPLICATION FOR COMMERCIAL USE**
3. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20309, DATED JUNE 18, 2014**

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4. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN'S JUSTICE CENTER, THE UTAH COUNTY HEALTH DEPARTMENT, AND THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT**

5. **APPROVE THE MINUTES OF THE JUNE 3, 2014 COMMISSION MEETING**

6. **RATIFICATION OF WARRANT REGISTER SUMMARY**

Register No. 624	June 17, 2014	Bond Wires:289-290	Total: \$	488.28
Register No. 625	June 17, 2014	Check Nos. 195414-195448	Total: \$	300,005.93
Register No. 626	June 18, 2014	Purchasing Cards 2215-2215	Total: \$	575.00
Register No. 627	June 18, 2014	Check Nos. 195449-195490	Total: \$	206,286.45
Register No. 628	June 18, 2014	Check Nos. 195491-195491	Total: \$	73.75
Register No. 629	June 18, 2014	Purchasing Cards 2216-2216	Total: \$	9,815.50
Register No. 630	June 19, 2014	Purchasing Cards 2217-2218	Total: \$	26,081.00
Register No. 631	June 19, 2014	Direct Deposit:19665-19682	Total: \$	55,316.77
Register No. 632	June 19, 2014	Check Nos. 195492-195571	Total: \$	106,937.60
Register No. 633	June 19, 2014	Purchasing Cards 2219-2312	Total: \$	103,928.49
Register No. 634	June 20, 2014	Direct Deposit:19683-19683	Total: \$	2,460.82
Register No. 635	June 20, 2014	Check Nos. 195572-195589	Total: \$	139,107.20
Register No. 636	June 20, 2014	Direct Deposit:19684-19684	Total: \$	4,750.39
Register No. 637	June 20, 2014	Purchasing Cards 2313-2313	Total: \$	698.38
Register No. 638	June 20, 2014	Check Nos. 195590-195602	Total: \$	76,735.25
Register No. 639	June 23, 2014	Purchasing Cards 2314-2314	Total: \$	1,502.10
Register No. 640	June 23, 2014	Direct Deposit:19685-19693	Total: \$	9,359.86
Register No. 641	June 23, 2014	Check Nos. 195603-195660	Total: \$	201,163.34
		Total:	\$	<u>\$1,245,286.11</u>

Consent Agenda Item Nos. 1 through 6 were approved as written. Commissioner Anderson recommended the following Regular Agenda items be moved to Consent:

4. **AUTHORIZE THE ADDITION OF ONE FULL-TIME CAREER SERVICE PARALEGAL POSITION TO THE STAFFING PLAN OF THE UTAH COUNTY ATTORNEY'S OFFICE (ADD CLASS CODE 5701 TO ACCOUNT NO. 100-41451)**

6. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE "COMPLIANCE AGREEMENT AND BOND FOR OPEN PIT MINING OPERATIONS" FOR AN EXISTING MINING OPERATION WITH MOUNTAIN SHORES DEVELOPMENT WITH A SITE LOCATION OF APPROXIMATELY 7605 S LINCOLN BEACH RD., WEST MOUNTAIN AREA OF UNINCORPORATED UTAH COUNTY; SURETY BOND NO. 1106221 IN THE AMOUNT OF \$19,419.50 WITH GCNA, ONE TOWNE SQUARE, #1470, SOUTHFIELD, MI 48076 (Continued from the June 17, 2014 Commission meeting)**

Commissioner Anderson noted his intention to meet with the applicant before taking action on this item.

The commissioners requested that Regular Agenda Item No. 6 be continued to a future meeting of the Board.

CONTINUED WITHOUT DATE

10. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH HEARING OFFICER RUSSELL BEETON FOR REAL ESTATE CONSULTING VALUATION SERVICES DURING THE 2014 BOARD OF EQUALIZATION APPEALS PROCESS**

The commissioners requested that Regular Agenda Item No. 10 be continued to the next meeting of the Board, per the submitting department.

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11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH HEARING OFFICER STAN CRAFT FOR REAL ESTATE CONSULTING VALUATION SERVICES DURING THE 2014 BOARD OF EQUALIZATION APPEALS PROCESS

The commissioners requested that Regular Agenda Item No. 11 be continued to the next meeting of the Board, per the submitting department.

CONTINUED TO JULY 1, 2014

12. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH HEARING OFFICER DENNIS DEGRAW FOR REAL ESTATE CONSULTING VALUATION SERVICES DURING THE 2014 BOARD OF EQUALIZATION APPEALS PROCESS

The commissioners requested that Regular Agenda Item No. 12 be continued to the next meeting of the Board, per the submitting department.

CONTINUED TO JULY 1, 2014

13. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH HEARING OFFICER TYLER GURNEY FOR REAL ESTATE CONSULTING VALUATION SERVICES DURING THE 2014 BOARD OF EQUALIZATION APPEALS PROCESS

The commissioners requested that Regular Agenda Item No. 13 be continued to the next meeting of the Board, per the submitting department.

CONTINUED TO JULY 1, 2014

14. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH HEARING OFFICER RANDALL HENDERSON FOR REAL ESTATE CONSULTING VALUATION SERVICES DURING THE 2014 BOARD OF EQUALIZATION APPEALS PROCESS

The commissioners requested that Regular Agenda Item No. 14 be continued to the next meeting of the Board, per the submitting department.

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15. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH HEARING OFFICER EVELYN JOHNSON FOR REAL ESTATE CONSULTING VALUATION SERVICES DURING THE 2014 BOARD OF EQUALIZATION APPEALS PROCESS

The commissioners requested that Regular Agenda Item No. 15 be continued to the next meeting of the Board, per the submitting department.

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16. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH HEARING OFFICER DENISE LEWIS FOR REAL ESTATE CONSULTING VALUATION SERVICES DURING THE 2014 BOARD OF EQUALIZATION APPEALS PROCESS

The commissioners requested that Regular Agenda Item No. 10 be continued to the next meeting of the Board, per the submitting department.

CONTINUED TO JULY 1, 2014

18. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH LES OLSON COMPANY FOR THE MX-M905, SERIAL NO. 25008743 COPIER LOCATED IN THE INFORMATION SYSTEMS DEPARTMENT

19. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN ORDER AGREEMENT WITH RICOH FOR AN MP201SPF COPIER, SERIAL NO. C30092236 LOCATED IN THE AMERICAN FORK WIC CLINIC

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20. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN ORDER AGREEMENT WITH RICOH FOR THE MPC2551 COPIER, SERIAL NO. C30092358 LOCATED IN THE NORTH OREM WIC CENTER**
21. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN ORDER AGREEMENT WITH RICOH FOR THE MP201SPF COPIER, SERIAL NO. C30092235 LOCATED AT THE PAYSON WIC CENTER**
22. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN AGREEMENT WITH AETNA TO POST PAYMENTS; REFERENCE AGREEMENT NO. 2014-487**
23. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH COVE POINT RETIREMENT COMMUNITY TO PROVIDE SENIOR COMPANIONS**
24. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN ADDENDUM NO. 2 TO AGREEMENT NO. 2011-679 WITH REGIONAL TOXICOLOGY SERVICES LLC, DBA STERLING REFERENCE LABORATORIES TO EXTEND THE TERMS OF THE CONTRACT FOR TWO ADDITIONAL ONE-YEAR PERIODS** *(Continued from the June 17, 2014 Commission meeting)*
25. **APPROVE OR DENY A REQUEST FROM SAM'S CLUB TO WAIVE THE REQUIREMENTS OF SECTION 1.6.A OF THE UTAH COUNTY FACILITY USE POLICY AND ALLOW THEM TO CONDUCT MARKETING AT THE PUBLIC WORKS BUILDING AND HEALTH AND JUSTICE BUILDING ON JULY 17, 2014; AND IN THE LOBBIES OF THE ADMINISTRATION BUILDING ON JULY 18, 2014**
28. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A GRANT AGREEMENT WITH THE UTAH DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WILDLIFE RESOURCES TO PROVIDE FUNDING FOR THE UTAH LAKE SHORELINE RESTORATION PROJECT YEAR 6 FOR TREATMENT OF PHRAGMITES AND OTHER INVASIVE WEED SPECIES**
29. **ADOPT A RESOLUTION OF THE LEGISLATIVE BODY OF UTAH COUNTY APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO INTERLOCAL AGREEMENT NO. 2010-701 WITH MOUNTAINLAND ASSOCIATION OF GOVERNMENTS FOR THE PROVISION OF CDBG SERVICES**
30. **RATIFY THE SIGNATURE OF COMMISSIONER DOUG WITNEY ON THE STATE OF UTAH 2014-2015 PAUL COVERDELL FORENSIC SCIENCE IMPROVEMENT GRANT APPLICATION**

ACTIONS TAKEN

Consent Agenda Item No. 1 was declared as surplus; No. 2 was approved and authorized; Nos. 3 and 5 were approved; No. 4 was adopted; and No. 6 was ratified. Regular Agenda Item No. 4 was authorized; No. 6 was continued without date; Nos. 10 through 16 were continued to the July 1, 2014 meeting of the Board; Nos. 18, 19, 20, 21, 23, 24, and 28 were approved and authorized; Nos. 22 and 30 were ratified; No. 25 was approved; and No. 29 was adopted.

AGREEMENT NOS.: 2014-415, 2014-416, 2014-417, 2014-418, 2014-419, 2014-420, 2014-421, 2014-422, 2014-423, 2014-424 and 2014-425
RESOLUTION NOS.: 2014-67 and 2014-68

REGULAR AGENDA

1. PROCLAIM JUNE 30, 2014 TO JULY 6, 2014 “INDEPENDENTS WEEK” TO RECOGNIZE AND SALUTE LOCALLY OWNED INDEPENDENT BUSINESSES AND THE CONTRIBUTION THEY MAKE TO OUR COMMUNITY

Kristen Lavalett of Local First Utah came forward to explain the concept behind “Independents Week.” They are a non-profit organization working at a statewide level to educate the public, government, and business owners about the value of shopping locally. Studies show that there is at least a four-times factor of returns to the economy when products are purchased here; only \$13.60 of every \$100 spent at a national retailer stays in Utah, as opposed to \$55.40 of that same \$100 spent at a locally-owned retailer. If each household in the state shifted ten percent of their purchases to local markets, Utah would retain an additional \$1,300,000,000 of revenue after only one year.

Kristen Lavalett spoke of this year’s focus on local service providers. Commissioner Anderson commended their efforts, and Commissioner Ellertson asked about the Chamber of Commerce’s input. Commissioner Ellertson also asked about local businesses that rely on national and international sales. Ms. Lavalett explained that communication has not yet occurred between Local First and the Utah Valley Chamber of Commerce, and addressed national sales for other businesses. She emphasized that the goal is “Local First,” and not necessarily “Local Only.”

Commissioner Anderson read the following proclamation for the record:

- ▶ **WHEREAS** Independents Week provides a time to celebrate the independence of the members of the community of Utah County and entrepreneurial spirit represented by our core of local independent businesses; and
- ▶ **WHEREAS** the individual decisions every community member makes today affect the future of Utah County; and
- ▶ **WHEREAS** Utah County’s local independent businesses help preserve the uniqueness of the community and give us a sense of place; and
- ▶ **WHEREAS** Utah County’s core of independently-owned businesses give back to this community in goods, services, time and talent; and
- ▶ **WHEREAS** the health of Utah County’s economy depends on our support of businesses owned by our friends and neighbors; and
- ▶ **WHEREAS** Utah County’s independent business owners and employees enrich community members’ shopping experiences with their knowledge and passion;
- ▶ **THEREFORE**, as we celebrate Independents Week 2014, we acknowledge that the ability to choose the direction of Utah County lies within each of us.
- ▶ **NOW, THEREFORE**, we the Utah County Commissioners do hereby proclaim the week of June 30, 2014 to July 6, 2014 as **“Independents Week”** and salute our community members and locally owned independent businesses which are integral to the unique flavor of Utah County and honor their efforts to make Utah County the place we want to live and work.

Commissioner Witney made the motion to proclaim June 30, 2014 to July 6, 2014 as “Independents Week” in Utah County as detailed in Regular Agenda Item No. 1. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

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2. PRESENTATION OF 2013 AUDIT BY GILBERT AND STEWART, CERTIFIED PUBLIC ACCOUNTANTS AND ACCEPTANCE OF AUDIT BY UTAH COUNTY BOARD OF COMMISSIONERS

James Gilbert of Gilbert & Stewart, Certified Public Accountants, came forward to present the 2013 Audit for Utah County. He provided a draft of the financial statements to the Board, and summarized the document. The Independent Auditor's Report has given the county an "unmodified opinion," which is the highest rating that can be received. Mr. Gilbert reviewed the management discussion analysis, and a summary of monetary decisions throughout the year related to increases in fund balances, expenditures, and changes in capital assets or debt. Commissioner Ellertson asked for clarification on the Public Transit and Public Transportation wording, and Commissioner Anderson addressed the organization chart in relation to the Justice Court Judges.

Commissioner Ellertson mentioned that there is no general bonded debt, and the only debt is that which is secured by specific revenue streams guaranteeing repayment. James Gilbert confirmed, and reviewed the compliance reports for major federal programs, noting that Utah County received the highest scores that can be given. Commissioner Anderson commended Mr. Gilbert's work, who in turn applauded the county for cooperation in providing information. Commissioner Witney expressed trust in the Clerk/Auditor's Office, specifically Bryan E. Thompson and Financial Officer Danene Jackson. Utah County Clerk/Auditor Bryan E. Thompson thanked the Board for their compliments, and Mr. Gilbert for the external audit.

Commissioner Ellertson made the motion to accept the 2013 Audit by Gilbert and Stewart, Certified Public Accountants as detailed in Regular Agenda Item No. 2. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

AGREEMENT NO. 2014-429

3. ADOPT AN ORDINANCE AMENDING THE UTAH COUNTY GOVERNMENT FEE SCHEDULE ADOPTED IN BOOK FORM BY SECTION 2-1-6 OF THE UTAH COUNTY CODE, BY AMENDING VARIOUS UTAH COUNTY PUBLIC WORKS DEPARTMENT FEES

Utah County Public Works Director Richard Nielson explained that stalls have been added to the Equestrian Center, and the rental rates needed to be added to the Fee Schedule. This prompted an overall review and update of the Public Works Department fees. Mr. Nielson and Utah County Clerk/Auditor Bryan E. Thompson discussed telephone rate changes, and Commissioner Anderson asked Mr. Nielson to follow-up about lights needed at Lincoln Beach.

Commissioner Ellertson made the motion to adopt an ordinance amending the Utah County Government Fee Schedule by amending various Utah County Public Works Department fees as outlined in Regular Agenda Item No. 3. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

ORDINANCE NO. 2014-4

5. AUTHORIZE THE ADDITION OF TWO FULL-TIME CAREER SERVICE (GRANT FUNDED) SYSTEMS ANALYST/PROGRAMMER III POSITIONS TO THE STAFFING PLAN OF THE INFORMATION SYSTEMS DEPARTMENT (CLASS CODE 992031, ACCOUNT NO. 670-41671)

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Utah County Personnel Director Lana Jensen came forward with Utah County Assessor Kris Poulson and Utah County Information Systems Director Neil Peterson. Mr. Poulson explained that this position is considered grant-funded because it is dependent upon a contract which reimburses the county. Mr. Peterson confirmed that all associated costs will be covered through the grant funding. Utah County Clerk/Auditor Bryan E. Thompson asked whether the anticipated \$80,000 expense would include leave and incidentals, and Mr. Poulson confirmed that it is all-inclusive.

Commissioner Witney made the motion to authorize the addition of two full-time Career Service (grant-funded) Systems Analyst/Programmer III positions to the Staffing Plan of the Information Systems Department (Class Code 992031, Account No. 670-41671) as specified in Regular Agenda Item No. 5. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

AUTHORIZED

7. DISCUSS, AND APPROVE OR DENY, A TAX SALE PROTEST FILED BY DALLAN ALLRIDGE RELATED TO PARCEL SERIAL NO. 14:021:0109

The Board invited Dallan Allridge forward, and Utah County Clerk/Auditor - Tax Administration Supervisor Burt Harvey joined him. Mr. Harvey explained that Mr. Allridge owned a property located near North County Boulevard; the property taxes were five years delinquent, but the county could not locate a correct address for notification. The property was auctioned during the 2014 May Tax Sale after several attempts were made to contact Mr. Allridge, as required by law. The parcel was sold and Mr. Allridge is now protesting the sale because of the notification issue.

Dallan Allridge confirmed for Commissioner Anderson that he lives in Pleasant Grove. Mr. Allridge stated he would never have let the property go to Tax Sale, as it is an important piece with a substantial amount of money still owed. Mr. Allridge pointed out that the Utah Department of Transportation (UDOT) purchased a small part of the parcel in 2013, and the 2012 taxes were paid - a total of \$1,564.51 - according to the county website. The property now has two different serial numbers based on the UDOT purchase and the filing of the death certificate of Mr. Allridge's father, the original property owner. Mr. Allridge stated that the county should have pulled his correct address from those documents, or any of the other handful of properties he owns in Utah County.

Burt Harvey responded to Dallan Allridge's comments. He clarified that when UDOT obtained a piece of the parcel, the old serial number was 'killed' and two new parcel numbers were created. Mr. Harvey also explained that he used a public records search program to attempt to locate Mr. Allridge. Mr. Allridge stated that the notices were sent to his deceased father's address, which has not been associated with his family since 2008. When Commissioner Anderson summarized that the parcel was technically sold during the May Tax Sale, Mr. Allridge mentioned that he has gone into a contract with buyers for the property. Dallan Allridge confirmed for Commissioner Witney that the amount owed on the property is greater than the sale price for the new buyers. Mr. Allridge is also including two adjoining strips of land for the buyers.

Utah County Deputy Attorney Paul Jones came forward to explain that the county has satisfied notice requirements as dictated by code. Certified and first-class mail was sent to the last known recorded address, and additional steps were taken by conducting a public records search. Mr. Jones also noted that paying taxes in 2012 is not equivalent to recording a new address for the property owner. Burt Harvey added that Dallan Allridge did update the address on several other parcels in the county the day after the 2014 May Tax Sale. Mr. Jones commented that the sale can be reversed by Utah County Code if there is a finding that it is in the best public interest to do so.

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Dallan Allridge stated he would like to pay the property taxes that are due on the parcel. Paul Jones added that while Mr. Allridge has notified the county that the parcel is under a mortgage, no financial institution has recorded an interest. Mr. Allridge clarified that his father passed away, and he borrowed some money through a signature loan to buy his mother's portion.

Daniel Donaldson was the winning bidder at the Tax Sale held on May 22, 2014. He confirmed for Commissioner Anderson that he has not been contacted by Dallan Allridge or any representative regarding this matter. Mr. Donaldson asked about the adjoining small strip of land, and Mr. Allridge explained that he has paid the delinquent taxes on the piece that was not auctioned during the Tax Sale.

Burt Harvey referenced state statute dealing specifically with partial interest tax sales, which may or may not apply to this situation. When Commissioner Anderson questioned the basis for overturning the sale, Utah County Deputy Attorney Dianne Orcutt noted that it has not yet been ratified. Commissioner Witney suggested continuing discussion for two weeks to allow Dallan Allridge and Daniel Donaldson the opportunity to meet and resolve the issue between themselves; otherwise, statute would need to be followed. Commissioner Anderson concurred that the Board would prefer the parties be able to find a resolution. Mr. Allridge stated that this would ruin his family if the sale is not overturned, and Commissioner Anderson reiterated that the Board must follow the law and encouraged him to come to an agreement with Mr. Donaldson.

Commissioner Witney made the motion to continue Regular Agenda Item No. 7 regarding the Tax Sale Protest filed by Dallan Allridge related to Parcel Serial No. 14:021:0109 to the July 8, 2014 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

CONTINUED TO JULY 8, 2014

8. DISCUSS, AND APPROVE OR DENY, A TAX SALE PROTEST FILED BY DAREN HOGGE RELATED TO PARCEL SERIAL NO. 55:407:0021

Utah County Clerk/Auditor - Tax Administration Supervisor Burt Harvey explained the parcel in question sits adjacent to Daren Hogge's property. Though the parcel is surrounded by Mr. Hogge's property, he may not have specifically been notified by mail about the sale because he is not the owner on record. Mr. Hogge was sent a courtesy notice as a neighboring property, which led to him contacting Mr. Harvey on or around May 11, 2014. Mr. Harvey clarified that every attempt was made to contact the owners of record as required by law; they are no longer involved with the property.

Daren Hogge explained that this parcel is a slice between the backyards of his neighbor and himself. While a Deed of Trust was recorded in 2003 for adjoining land to be acquired by Mr. Hogge, this serial number was not properly recorded. Mr. Hogge was able to track down the previous owner (Shennum). After communicating with both his current neighbor and the Shennums, Mr. Hogge states that the parcel should have been associated with his property. Burt Harvey noted that the parcel was purchased during the May Tax Sale by Marc Molling.

Burt Harvey confirmed that the parcel in question is landlocked by Daren Hogge's property, and Mr. Hogge's neighbor. Mr. Hogge added that there will be no access to the property to anyone other than his neighbor and himself. Mr. Harvey clarified that this is not a noticing issue, since the interested party is an adjoining owner. When Commissioner Witney asked whether there is any legitimate claim by Mr. Hogge, Mr. Harvey referred him to the Utah County Attorney's Office for legal analysis. Mr. Hogge stated that his name is on the Deed of Trust and he should therefore be considered the owner, and Mr. Harvey corrected that the Utah County Recorder's Office determined that the deed did not include this property at the time of sale; that may have been an error by the title company, but there is no way to confirm at this point.

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Utah County Deputy Attorney Dianne Orcutt confirmed that this protest cannot be considered under a noticing issue because legal requirements were met by contacting the Shennum family, the recorded owners for this parcel. Adjacent owners were also notified and Daren Hogge was made aware of the impending sale before it occurred. Mr. Hogge mentioned that he attended the Tax Sale, but arrived late and the parcel had already been auctioned. Ms. Orcutt and Burt Harvey reiterated their earlier points about notice requirements.

Marc Molling was the winning bidder for the property, and came forward to comment. Mr. Molling expressed that the legal description of the parcel should prevail over an individual's understanding. He also pointed out that Daren Hogge was aware of the sale and had the opportunity to purchase it through that avenue, just as Mr. Hogge's neighbors to the north were able to do. Mr. Molling stated that he has legally purchased the parcel and it should be upheld. Mr. Hogge rebutted that he missed the sale because he was in the process of contacting the Shennum family to obtain a corrected deed and prevent this situation altogether.

Commissioner Ellertson made the motion to continue Regular Agenda Item No. 8 regarding the Tax Sale Protest filed by Daren Hogge related to Parcel Serial No. 55:407:0021 to the July 1, 2014 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

CONTINUED TO JULY 1, 2014

At this point, the Board called for a brief recess at 10:08 A.M. They returned to the bench at 10:11 A.M., and the session continued as documented below.

9. DISCUSS, AND APPROVE OR DENY, A TAX SALE PROTEST FILED BY MARK NELSON, ATTORNEY REPRESENTING BLAIN & LAURA OBERG RELATED TO PARCEL SERIAL NO. 55:644:0006

Attorney Mark Nelson came forward to present Blain and Laura Oberg while Utah County Clerk/Auditor - Tax Administration Supervisor Burt Harvey summarized the protest. Mr. Harvey noted that this request is based on a notification issue, similar to Regular Agenda Item No. 7. Blain and Laura Oberg own a piece of property in Santaquin adjacent to Blain Oberg's father. The mailed notices to a P.O. Box in Santaquin were returned to the office as undeliverable because the box had been closed. Mr. Harvey was unable to find a different address through a public records search program. A letter from Mr. Nelson states that the Obergs now live in Lehi, but Mr. Harvey could not find any information for them there either. Summarily, the county did not successfully deliver notice to Blain and Laura Oberg regarding the May Tax Sale, but every attempt was made to do so.

Mark Nelson thanked the Board for the opportunity to present today. He referenced county ordinance to summarize options for appeal, and encouraged the commissioners to either reject all bids and re-offer the property for sale or withdraw the property from the sale in the best interest of the public. Mr. Nelson confirmed that his clients Blain and Laura Oberg were not made aware of the Tax Sale until the winning bidder visited the property and saw a realtor's "For Sale" sign. The winning bidder contacted the realtor to have them remove the sign, and that is when Mr. Nelson's clients were notified of the county procedure. Blain and Laura Oberg acquired the property in January of this year as the result of a family dispute settlement. The tax notices had presumably been sent to Blain Oberg's father across the street, and there was a breakdown in communication and other financial issues as the dispute wore on; they were aware of some back-taxes but not the full extent.

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Commissioner Witney asked whether Mark Nelson's law firm was involved in the settlement, and Mr. Nelson explained that the dollar amount was not disclosed. Extenuating circumstances with the out-of-state children and grandchildren of Blain and Laura Oberg meant that property taxes were not at the forefront of their minds.

Laura Oberg confirmed that she and her husband have been living in a rental property in Lehi for approximately three years. The post office box lease expired in February or March of this year; Mr. and Ms. Oberg have since secured a lender in order to pay the overdue property taxes. Mr. Nelson spoke of the outstanding character of Blain and Laura Oberg, repeating his request that the Board either set aside the sale or reject all previous bids and resell to the owners. When Mr. Nelson mentioned the difference in purchase and sale price, Commissioner Witney clarified that the tax penalty and interest came to a total of \$18,950.00. Burt Harvey added that this portion would be paid to the county, and the remainder would be submitted to the Utah State Unclaimed Property office. The Obergs would then have the opportunity to claim the leftover funds.

Annette Jolley purchased this parcel at the May Tax Sale, on behalf of the land development company owned by herself and her husband. She corrected Mark Nelson's earlier comment regarding a call to have the "For Sale" sign removed from the property, stating that the amicable call was a courtesy to let the realtor know there was not a clear title for the parcel. Ms. Jolley noted that the realtor expressed knowledge of a tax issue, but stated he thought it had been resolved.

Annette Jolley explained that her small company has a limited amount of funds to purchase properties through annual county tax sales. Because of this sale in Utah County, Ms. Jolley stopped a potential purchase by her husband in Summit County that same day; the limited funds would be exhausted between herself and another purchase by her brother in Garfield County. Ms. Jolley explained that it will be May 2015 before her company can acquire more property through another county tax sale should the Board approve this protest. She reminded the commissioners that the original owners are not the only ones affected by the Board's decision. Ms. Jolley noted that her family responsibly pays their taxes annually and is aware of their responsibility to notify government entities of address changes. While expressing sympathy for Laura Oberg, Ms. Jolley implored the commissioners to uphold the law and see all sides of the situation.

Mark Nelson responded to Annette Jolley's statements. He pointed out that Ms. Jolley would have signed the tax bidder registration form which notifies any potential buyer that there is a chance the sale may be revoked. As for speculative purchases at other auctions, the very nature of an auction means there is no guarantee of property at any county tax sale.

Commissioner Witney noted that the Tax Sale is held for a reason; his heart goes out to the owners, but the Board must follow rules. Commissioner Ellertson argued that it would be against equity and his own conscience to approve the sale.

Commissioner Ellertson made the motion to approve the Tax Sale Protest filed by Mark Nelson, Attorney representing Blain and Laura Oberg, related to Parcel Serial No. 55:644:0006 as discussed in Regular Agenda Item No. 9.

Because there was lack of a second, Commissioner Anderson briefly suspended Robert's Rules of Order for the purpose of seconding this motion.

The motion was seconded by Commissioner Anderson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
NAY: Doug Witney**

AGREEMENT NO. 2014-430

17. APPROVE OR DENY A LATE VETERAN ABATEMENT APPLICATION FOR GORDON EWELL FOR THE YEARS 2012 AND 2013, SERIAL NO. 45:459:0540

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Utah County Clerk/Auditor - Tax Administration Supervisor Burt Harvey explained that the applicant for the veteran abatement is significantly disabled, and had submitted an application two years ago. A former employee in the office had not properly processed the application, so the office is now requesting the approval be retroactive to 2012.

Commissioner Ellertson made the motion to approve the late veteran abatement application for Gordon Ewell on Property Serial No. 45:459:0540 for the years 2012 and 2013 as specified in Regular Agenda Item No. 17, with the finding that it would be against equity and good conscience to deny the application. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney**

NAY: None

APPROVED

26. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A REAL ESTATE PURCHASE AGREEMENT WITH TODD FARLEY, PERSONAL REPRESENTATIVE OF THE SYLVIA S. FARLEY COBB ESTATE, ET AL FOR A LAND PURCHASE TO CLEAR UP A POTENTIAL TITLE PROBLEM

Commissioner Ellertson asked about the location of this property, and Utah County Public Works Director Richard Nielson described the area south of the hospital near 1100 North in Pleasant Grove. The county originally purchased a parcel from the Sylvia S. Farley Cobb Estate, Et Al for the road project but there was an error in the legal description; this real estate purchase agreement will correct the discrepancy.

Commissioner Ellertson made the motion to approve the real estate purchase agreement with Todd Farley, personal representative of the Sylvia S. Farley Cobb Estate, Et Al as described in Regular Agenda Item No. 26. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney**

NAY: None

AGREEMENT NO. 2014-431

27. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH CMT ENGINEERING LABORATORIES TO PERFORM CONSTRUCTION SPECIAL INSPECTIONS

Utah County Public Works Director Richard Nielson explained that this agreement is for CMT Engineering Laboratories to be on retainer for inspections as needed during the next three years. Utah County Clerk/Auditor Bryan E. Thompson acknowledged that the pricing schedule had been bid out and would be handled on a project-by-project basis.

Commissioner Ellertson made the motion to approve the agreement with CMT Engineering Laboratories to perform construction special inspections as outlined in Regular Agenda Item No. 27. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney**

NAY: None

AGREEMENT NO. 2014-432

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At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

35. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED

Commissioner Witney made the motion to strike Regular Agenda Item No. 35 to set a date, time and location for a closed meeting to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None

STRICKEN

31. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS

Commissioner Witney made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None

SET

32. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION

Commissioner Witney made the motion to set a date, time and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to immediately follow the previously scheduled closed meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None

SET

33. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY

Commissioner Witney made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the purchase, exchange, or lease of real property to immediately follow the previously scheduled closed meetings today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None

SET

34. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY

Commissioner Witney made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the sale of real property to immediately follow the previously scheduled closed meetings today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

Utah County Clerk/Auditor Bryan E. Thompson reminded the audience of Primary Election Day, and encouraged everyone to vote in their neighborhood.

This concluded the public comment portion of the open meeting, and the meeting recessed at 10:36 A.M. to go into closed meetings. The public meeting reconvened at 11:21 A.M.

Commissioner Witney made the motion to adjourn the June 24, 2014 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None

There being no further business nor public comment, the meeting adjourned at 11:21 A.M. The minutes of the June 24, 2014 Commission Meeting were approved as transcribed on July 22, 2014.

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GARY J. ANDERSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor